STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

- -

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

NORA S. ANDERSON,

a Judge of the Surrogate's Court,
New York County.

DETERMINATION

- -

THE COMMISSION:

Honorable Thomas A. Klonick, Chair
Honorable Terry Jane Ruderman, Vice Chair
Honorable Rolando T. Acosta
Joseph W. Belluck, Esq.
Joel Cohen, Esq.
Richard D. Emery, Esq.
Paul B. Harding, Esq.
Nina M. Moore
Honorable Karen K. Peters
Richard A. Stoloff, Esq.

APPEARANCES:

Robert H. Tembeckjian (Brenda Correa, Of Counsel) for the Commission

Godosky & Gentile, P.C. (by David Godosky) for the Respondent

The respondent, Nora S. Anderson, a Judge of the Surrogate's Court, New York County, was served with a Formal Written Complaint dated July 29, 2011. The

Formal Written Complaint contains two charges of misconduct arising from her 2008 campaign for Surrogate. Charge I alleged that respondent and her then-employer participated in a series of financial transactions in which she accepted a purported gift and a purported loan from him and promptly funneled those funds to her campaign. Charge II alleged that after the primary election and before the general election, respondent's campaign held a fundraiser for the purpose of repaying a loan respondent had made to her campaign. Respondent filed a verified answer dated September 21, 2011.

On June 26, 2012, the Administrator, respondent's counsel and respondent entered into an Agreed Statement of Facts pursuant to Judiciary Law §44(5), stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On September 19, 2012, the Commission accepted the Agreed Statement provided that the parties agreed that Charge II would be dismissed and the Agreed Statement would be modified to so reflect. The Clerk of the Commission so advised the Administrator and respondent's counsel. By joint letter dated September 21, 2012, the respective attorneys advised the Commission that they agreed that Charge II be dismissed.

Accordingly, the Commission makes the following determination:

1. Respondent has been a Judge of the Surrogate's Court, New York County, since 2009. Her term expires on December 31, 2022. She was admitted to the practice of law in New York in 1983.

2. At all times relevant to the matters herein, respondent was and is

married to Vincent A. Levell, an attorney employed by the New York State Unified Court System.

3. Prior to becoming a judge, respondent was employed as an attorney in the law firm of Seth Rubenstein, PC, in Brooklyn, New York, from 1999 to 2008. Respondent had previously worked as Chief and Deputy Chief Clerk in the Surrogate's Court, New York County. Over the years, the relationship between respondent and Mr. Rubenstein developed into one in which he was a friend and mentor. They were and remain very close. For example, in 2004, Mr. Rubenstein executed a last will and testament in which he bequeathed to respondent $500,000.

4. In April 2008, respondent became a candidate for the Democratic nomination for Surrogate of New York County. She had never previously run for election to any office. Her opponents in the Democratic primary were Supreme Court Justice Milton A. Tingling and attorney John J. Reddy, Jr. The primary election date was September 9, 2008. The general election date was November 4, 2008. Winning the Democratic primary for Surrogate was tantamount to election, inasmuch as there was no Republican or other political party candidate on the ballot in the general election.

Respondent's Indictment and Acquittal on Criminal Charges

5. In December 2008, respondent and Seth Rubenstein were indicted by a New York County Grand Jury on various charges, including felonies and misdemeanors arising from monetary transactions that Rubenstein made to respondent during the 2008 campaign.

6. Eight of the ten criminal charges in the indictment were dismissed prior to trial on jurisdictional grounds by Supreme Court Justice Michael Obus. The District Attorney did not appeal the dismissal, and respondent and Mr. Rubenstein were tried on the two remaining counts of Offering a False Instrument for Filing in the First Degree. One count pertained to the filing of the 11 day Pre-Primary Report with the New York State Board of Elections on September 3, 2008, and the other count pertained to the filing of the 10 day Post-Primary Report with the New York State Board of Elections on September 20, 2008. On April 1, 2010, after a jury trial, respondent and Mr. Rubenstein were found not guilty of both charges. Respondent has not been prosecuted by any other entities.

7. The Commission, which had held its investigation of respondent in abeyance pending resolution of the criminal charges, thereafter investigated the matters herein and, *inter alia*, took sworn statements from respondent and Mr. Rubenstein.

8. The Formal Written Complaint dated July 29, 2011, charges respondent with ethical violations arising from monetary transactions between her and Mr. Rubenstein, not with criminal violations arising from the reports her campaign filed.

With respect to Charge I of the Formal Written Complaint:

Respondent's Campaign Structure

9. When respondent became a candidate for the Democratic nomination for Surrogate of New York County in April 2008, Seth Rubenstein played an active role in her campaign. Although he did not have an official title in respondent's campaign, Mr.

Rubenstein was actively involved in fundraising for respondent, was one of the signatories on the campaign's bank account and participated in the hiring of respondent's campaign staff, including designating a non-lawyer employee of his law firm (Janise Dawson) to serve as the campaign's treasurer. Ms. Dawson was not experienced in the role of campaign treasurer and did not make strategic campaign decisions.

10. The campaign committee hired Kalmen Yeger of Compliance New York as a consultant for campaign finance compliance purposes. Mr. Yeger was retained to provide advice as to all campaign filings and was the person in charge of such filings on behalf of respondent's campaign committee. Ms. Dawson consulted with and was advised by Mr. Yeger as to all campaign filings. Respondent was aware that the campaign had retained Mr. Yeger as a consultant with expertise in campaign filings.

11. Michael Oliva was respondent's campaign manager. He had experience in managing judicial campaigns.

Pertinent Provisions of the New York Election Law

12. Pursuant to Election Law Section 14-114(1)(b)(i), for the primary election in which respondent was a candidate, the maximum contribution for a non-family member was based on a formula of $.05 times the total number of enrolled voters in the candidate's district, excluding voters in inactive status. The maximum campaign contribution for an individual other than the candidate in the 2008 primary election for New York County Surrogate was $33,122.50. The principals in respondent's campaign – Mr. Rubenstein, Mr. Oliva and respondent herself – became aware of the maximum

contribution limits.

13. Under Election Law Section 14-114(6)(a), campaign loans that have not been repaid prior to the election date are considered to be campaign contributions that may not exceed the maximum contribution amount permitted by law. Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

14. Election Law Section 14-120(1) further provides:

> No person shall in any name except his own, directly or indirectly, make a payment or promise of payment to a candidate or political committee or to any officer or member thereof, or to any person acting under its authority or in its behalf or on behalf of any candidate, nor shall any such committee or any such person or candidate knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made.

Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

15. Election Law Section 14-100(9)(1) defines a "contribution" as "any gift, subscription, outstanding loan . . . advance, or deposit of money or any thing of value made in connection with the nomination for election, or election, of any candidate, or made to promote the success or defeat of a political party or principle, or of any ballot proposal[.]" The term "contribution," as defined by Election Law Section 14-100(9)(1), refers to gifts or loans "made in connection with the nomination for election, or election." Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

16. There is no limit on how much a candidate may contribute to his/her own campaign. Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this

provision.

Fundraising Associated with Respondent's Campaign

17. Respondent's campaign hired consultants to help with fundraising. Their efforts were largely unsuccessful, and on some occasions the campaign lost money on fundraising events.

18. Mr. Rubenstein contributed $25,000 to the campaign and on April 14, 2008 he loaned the campaign $225,000.

19. Thereafter, there were press reports and criticism by respondent's opponents as to Mr. Rubenstein's significant role in respondent's campaign, given that he was an active practitioner in Surrogate's Court.[1]

20. By the summer of 2008, respondent's campaign was without sufficient funds to pay for campaign mailings, which respondent's campaign advisors considered necessary for respondent to win the primary election. A company that was chosen by Michael Oliva to handle campaign mailings would not send out a mailing until the campaign was able to pay for it in advance.

21. Respondent discussed the campaign's financial status with Mr. Rubenstein. Respondent knew that Mr. Rubenstein had attended the Election Law course given by Henry Berger at the State Bar Association.[2] Respondent believed that Mr.

---

[1] In view of their longstanding professional and personal relationship, respondent avers she would disqualify herself from any Surrogate Court matters involving Mr. Rubenstein. Neither Mr. Rubenstein nor his firm has ever appeared before respondent as Surrogate.

[2] Mr. Berger was a Member of the Commission on Judicial Conduct from 1988 to 2004, serving as Chair for 13 of those years.

Rubenstein understood the intricacies of the Election Law and, during her campaign, deferred to him on these matters. At the time, she did not personally review the Election Law or seek the advice of anyone else.

22. Mr. Rubenstein advised respondent that the Election Law permitted a candidate to receive money as a personal gift or loan, which the candidate could then convey to the campaign as a contribution or loan in his/her own name.

23. Respondent accepted Mr. Rubenstein's advice. Neither respondent nor Mr. Rubenstein sought advice on their plan from a lawyer specializing in election law, the Board of Elections, the Unified Court System's Judicial Campaign Ethics Center or the Advisory Committee on Judicial Ethics.

24. On August 12, 2008, Mr. Rubenstein gave respondent a check payable to her personally for $100,000 from his personal funds as a gift. The purpose of the funds was to benefit respondent's campaign. Respondent promptly deposited the check into her personal bank account. On August 19, 2008, respondent issued a personal check payable to her campaign for $100,000. This transaction was reported to the Board of Elections by respondent's campaign as a contribution of $100,000 by respondent to her campaign.

25. On August 26, 2008, Mr. Rubenstein electronically wired $150,000 from his personal bank account to respondent's brokerage account. The purpose of the funds was to benefit respondent's campaign. On that same date, respondent wire-transferred $150,000 from her brokerage account to her campaign's bank account. This

transaction was reported to the Board of Elections by respondent's campaign as a loan of $150,000 by respondent to her campaign. There was no written documentation of the loan, nor was there any collateral or other security associated with the loan.

26. Mr. Rubenstein told respondent that "personal" loans or gifts to a candidate were not specifically addressed in the Election Law, that it was permissible for her to convey to her campaign the $250,000 he had gifted or loaned her, and that these transactions were equivalent to what Eliot Spitzer had done in connection with his 1994 campaign for New York State Attorney General.[3] Mr. Rubenstein did not cite for respondent any examples other than the Spitzer campaign in support of his theory that his "gift" and "loan" totaling $250,000 to respondent could properly be transferred to her campaign.

27. Both respondent and her husband (a court employee earning over $88,256 in salary) filed mandatory financial disclosure statements with the Ethics Commission of the Unified Court System for the years at issue, but neither reported the $150,000 loan from Mr. Rubenstein to respondent, which they were obliged to disclose.

28. Having now examined and reflected on both the letter and spirit of the relevant laws, respondent agrees that, notwithstanding the advice and opinions

[3] In 1994, after his unsuccessful primary campaign, Mr. Spitzer apparently received a personal loan from his father to repay bank loans previously taken for the campaign. According to an article in the *New York Times* on October 28, 1998, Thomas R. Wilkey, then executive director of the State Board of Elections, opined that the "favorable loan terms" from Mr. Spitzer's father would "probably" not be construed as a campaign contribution. The article does not quote Mr. Wilkey or other election officials on the propriety of the personal loan itself.

provided to her:

A. The two conveyances by Mr. Rubenstein, totaling $250,000, for the benefit of her campaign, were contrary to the generally accepted and understood interpretation of the Election Law;

B. The timing and circumstances of the funds transferred to her by Mr. Rubenstein show that such transfers were made in connection with her "nomination for election or election" and therefore were "contributions" by Mr. Rubenstein under the generally accepted and understood interpretation of Election Law Section 14-100(9)(1);

C. Mr. Rubenstein interpreted the Election Law in a manner that permitted him to exceed the maximum allowable contribution to respondent's campaign;

D. Respondent should at least have consulted with such entities as the Board of Elections, the Judicial Campaign Ethics Center or the Advisory Committee on Judicial Ethics for specific guidance on her particular situation.

29. While it was not respondent's intention to violate the Election Law, respondent accepts responsibility for not taking the necessary steps to ensure that her campaign's finances were conducted in scrupulous compliance with the law. Respondent acknowledges that it is improper for a judicial candidate to accept, in the form of a personal gift or loan, monetary contributions from a person in an amount that exceeds the maximum that person may directly contribute to a campaign.

Total Funds Raised and Spent by the Three Campaigns

30. Respondent's campaign reported having raised $623,974.57 before the date of the primary and having spent $610,721.43. Mr. Reddy's campaign reported having raised $636,404.53 before the date of the primary and having spent $606,486.50. Judge Tingling's campaign reported having raised $124,944.00 before the date of the

primary and having spent $126,344.91.

Results of the Primary

31. Respondent won the Democratic primary on September 9, 2008, with 28,638 votes, against 15,305 votes for Mr. Reddy, 14,758 votes for Judge Tingling and 180 votes spread among 15 write-in candidates.

Effects of the Rubenstein Money

32. Neither respondent nor the Administrator can quantitatively demonstrate the impact that the $250,000 from Mr. Rubenstein had on the outcome of the 2008 primary. Respondent cannot demonstrate that she would have won the primary without the Rubenstein money, and the Administrator cannot demonstrate that she would have lost without it.

33. Both respondent and the Administrator agree that it is reasonable for the public to perceive that the $250,000 from Mr. Rubenstein influenced the campaign, in that it gave respondent the means to publicize her candidacy among the electorate.

34. Respondent acknowledges that to date she has only repaid $14,000 of the $150,000 loan from Mr. Rubenstein.

35. Other than this case and the public reports concerning the campaign financing methods of Eliot Spitzer's campaign for Attorney General in 1994, neither respondent nor the Administrator is aware of any other New York campaign in which an individual made an unreported financial gift or loan to a candidate for the purpose of channeling the money to the candidate's campaign, in an amount above the maximum

such individual could have contributed to the campaign in his or her own name. Having now examined and reflected upon the applicable law and rules, respondent acknowledges that it is the generally accepted view that a campaign financing structure such as employed by her and Mr. Rubenstein is improper.

36. Both respondent and the Administrator agree that respondent's conduct with regard to the Rubenstein money undermined public confidence in the independence and integrity of the judiciary by undermining its confidence in the integrity and fairness of her election to the bench.

As to Charge II of the Formal Written Complaint:

37. Respondent won the Democratic primary for Surrogate of New York County on September 9, 2008. There were no other candidates on the ballot against her in the general election held on November 4, 2008. Respondent was therefore assured of victory.

38. Respondent was elected Surrogate of New York County on November 4, 2008, with 424,226 votes. There were 13 votes spread among 11 write-in candidates. Her nearest rival was a write-in candidate who received two votes.

39. On or about October 6, 2008, after respondent won the Democratic Party primary election for Surrogate of New York County, and before the general election in which she was the only candidate on the ballot, respondent's campaign held a fundraiser at Lattanzi Ristorante, in Manhattan, with a minimum requested contribution of $1,000 for each attendee.

40. The stated purpose of the fundraiser at Lattanzi was to "retire the debt." At the time, according to the campaign finance report filed by respondent's campaign with the New York State Board of Elections, respondent was the campaign's major, although not only, creditor and was owed approximately $368,185 by the campaign.

41. The Advisory Committee on Judicial Ethics has repeatedly opined that a post-election fundraiser may not be held for the purpose of repaying loans made by the judge to his or her campaign committee. *See* Advisory Opinions 05-136, 03-119, 96-31 and 94-21.

42. Respondent believed that the prohibition on post-election fundraising to repay loans to the candidate pertained to the general election and not prior. Respondent did not seek an Advisory Opinion herself or consult anyone regarding the propriety of holding such a fundraiser.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.5(A)(4)(a) and 100.5(A)(5) of the Rules Governing Judicial Conduct ("Rules") and should be disciplined for cause, pursuant to Article 6, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charge I of the Formal Written Complaint is sustained, and respondent's misconduct is established. Charge II is not sustained and therefore is dismissed.

At a time when her 2008 campaign for the Democratic nomination for Surrogate needed funds before the primary, respondent engaged in a series of financial transactions with her employer and friend, Seth Rubenstein, that circumvented the contribution limits imposed by law and disguised the source of the funds. Instead of giving money to respondent's campaign committee – which would require disclosing the source of the funds – Rubenstein gave respondent a $100,000 gift and a $150,000 loan, which she accepted and promptly contributed to the campaign in her own name as a gift and loan. As respondent now stipulates, these transactions were inconsistent with the ethical standards required of judicial candidates and undermined public confidence in the integrity and fairness of her election to the bench.

Pursuant to the Election Law, the maximum amount an individual other than the candidate was permitted to contribute to her campaign was $33,122. (There was no limit on the amount the candidate herself could contribute.) Thus, a $100,000 gift to the campaign by Rubenstein would have far exceeded the amount permitted by law. A loan by Rubenstein to the campaign would be deemed a contribution, subject to the contribution limits, if not repaid prior to the election and, moreover, would require publicly disclosing the source of the funds. Having already been subject to press criticism for Rubenstein's active role in her campaign, respondent chose an alternative means of financing her campaign that effectively concealed the source of the funds from public disclosure.

There can be no doubt that the $250,000 respondent accepted from

Rubenstein was a disguised contribution to her campaign since, as has been conceded, the purpose of the funds "was to benefit respondent's campaign" (Agreed Statement, par 23, 24). Thus, regardless of whether these maneuvers were consistent with the Election Law, respondent, by accepting these monies directly from Rubenstein, violated the ethical mandate prohibiting judicial candidates from personally accepting campaign contributions and requiring that such funds be collected through a committee (Rules, §100.5[A][5]). Adding to the perception that these transactions were a charade whose purpose was to disguise Rubenstein's contribution are the facts that: (i) the $150,000 loan was undocumented; (ii) to date, four years after the loan, respondent has repaid Rubenstein only $14,000; and (iii) respondent did not report the loan on her financial disclosure statements, which are required to be filed on an annual basis by the Rules of the Chief Judge (22 NYCRR §40.1).

In itself, respondent's failure to report the outstanding loan, as required, is improper.[4] As the Court of Appeals has stated, "Judges must complete their financial disclosure forms with diligence, making every effort to provide complete and accurate information"; the failure to fully disclose assets and liabilities on these forms "is a serious matter" (*Matter of Alessandro*, 13 NY3d 238, 249 [2009] [judge admonished for omitting

[4] The Commission's 2008 Annual Report states: "As noted on the official website of the Unified Court System, the Ethics in Government Act of 1987 was enacted 'in order to promote public confidence in government, to prevent the use of public office to further private gain, and to preserve the integrity of governmental institutions. The Act accomplishes those goals by prohibiting certain activities, requiring financial disclosure by certain State employees, and providing for public inspection of financial statements'" (p. 23).

assets and liabilities on his financial disclosure forms and on loan applications, notwithstanding that the omissions reflected "carelessness rather than deliberate concealment of material information"). The information provided on these forms is open to public scrutiny so that, for example, lawyers and litigants can determine whether to request a judge's recusal. Respondent's acceptance of a loan of this size from a lawyer who is an active practitioner in Surrogate's Court would raise serious questions, notwithstanding the stipulation that Rubenstein has never appeared before her and that, in view of their relationship, she would disqualify herself in his cases. By omitting this information from her financial disclosure forms, for reasons that are unexplained in the record before us, respondent compounded the appearance of impropriety (Rules, §100.2[A]).

The contribution limits are clear, and the system requires full disclosure and truthful reporting, not cover-ups. If permitted, transactions such those depicted herein would thwart the statutory framework and public policy by eviscerating the contribution limits and reporting requirements. The issue before us is not whether these transactions were contrary to law, but whether they were inconsistent with the ethical standards for judicial candidates.

While it is improper for a judicial candidate to personally accept campaign contributions (Rules §100.5[A][5]), a disguised contribution is equally impermissible. As the Court of Appeals has repeatedly emphasized, "deception is antithetical to the role of a judge who is sworn to uphold the law and seek the truth" (*Matter of Myers*, 67 NY2d 550,

554 [1986]; *see also, e.g., Matter of Heburn*, 84 NY2d 168, 171 [1994]; *Matter of Alessandro, supra*, 13 NY3d at 248). In *Matter of Spector*, 47 NY2d 462, 466 (1979), the Court of Appeals admonished a Supreme Court Justice for appointing the sons of other judges who were contemporaneously appointing the judge's son, a practice that was akin to "disguised nepotism." Criticizing the practice in which judges circumvented the prohibition against nepotism by appointing each other's relatives, thereby "seeking to accomplish the objectives of nepotism while obscuring the fact thereof," the Court stated:

> ...[D]isguised nepotism imports an additional component of evil because, implicitly conceding that evident nepotism would be unacceptable, the actor seeks to conceal what he is really accomplishing. Second, and this is peculiar to the judiciary, even if it cannot be said that there is proof of the fact of disguised nepotism, an appearance of such impropriety is no less to be condemned than is the impropriety itself. [Emphasis added] (*Id.*)

Thus, regardless of whether there was an intent to evade the contribution limits and reporting requirements, the deception inherent in respondent's financial transactions with Rubenstein was inconsistent with the ethical standards required of judicial candidates. Although the effect of Rubenstein's disguised contribution on the success of respondent's campaign cannot be quantified, it is reasonable to conclude that the amount had a favorable impact on the result.

While it is stipulated that respondent, an inexperienced judicial candidate, deferred to Rubenstein's advice on these transactions and believed that he understood the intricacies of the Election Law, a candidate's reliance on his or her advisors does not excuse misconduct that is a clear violation of the ethical rules (*see, Matter of Shanley*,

2002 Annual Report 157, sanction accepted, 98 NY2d 310 [2002] ["A judicial candidate's inexperience or reliance on the advice of campaign officials does not excuse misconduct during a political campaign" since every candidate "must be familiar with the relevant ethical standards"]).[5] Moreover, despite the stipulation that Rubenstein "had attended the Election Law course given by Henry Berger," there is no indication that Mr. Berger's course in any way suggested that such transactions were an appropriate way to fund a campaign or that Rubenstein asked him whether such transactions were permissible. We also note that while respondent's campaign staff included a consultant in "campaign finance compliance" and a campaign manager with experience in managing judicial campaigns, there is nothing in the record before us indicating that any of her advisors – other than Rubenstein – approved these financial transactions, or even knew about them.

The totality of the record thus demonstrates that respondent violated the ethical standards cited herein, notwithstanding the dismissal (on jurisdictional grounds) of criminal charges arising out of these transactions and her acquittal of other charges. It is well-established that behavior that results in dismissal of criminal charges can be the

[5] With respect to the stipulation that Rubenstein advised respondent that these transactions "were equivalent to" loans made by Eliot Spitzer's father in connection with Spitzer's 1994 campaign for attorney general (Agreed Statement, par 25), we believe that any such comparison, even on the limited facts presented, is ill-founded. Unlike Spitzer, respondent was a judicial candidate governed by an ethical code; her situation did not involve family money; and the lender was not her father, but a lawyer who was "an active practitioner" in the judge's court (Agreed Statement, par 18). A judge's campaign officials should only rely on ethical advice from the Advisory Committee and the Judicial Campaign Ethics Committee.

subject of disciplinary action. The standard of proof is different, and ethical standards are different from those in the Penal Law. *See, e.g., Matter of Cohen*, 74 NY2d 272, 278 (1989) (upholding the removal of a judge for directing settlement funds to a credit union that was giving the judge personal loans at favorable rates and waiving the interest, the same conduct that had been the basis of criminal charges resulting in his acquittal; although a *quid pro quo* was not proved, these transactions "clearly created the impression that he was exploiting his judicial office for personal benefit .... [and] the further, and far more damaging impression, that his judicial decisions were influenced by personal profit motives"). *See also, Matter of Mills*, 2006 Annual Report 218; *Matter of Roepe*, 2002 Annual Report 153.

In accepting the stipulated sanction of censure, we underscore the seriousness with which we view the improprieties depicted in this record. A judge's election is tarnished and the integrity of the judiciary is adversely affected by misconduct that circumvents the ethical standards imposed on judicial candidates and provides an unfair advantage over other candidates who respect and abide by the rules. In such cases, we must consider whether allowing the respondent to retain his or her judgeship would reward misconduct and encourage other judicial candidates to ignore the rules, knowing that they may reap the fruits of their misconduct.

We note in mitigation that respondent, as an inexperienced judicial candidate, relied on a trusted advisor whose advice, viewed most favorably, exploited a loophole in the law while skirting the ethical mandates. As has been stipulated, it was not

respondent's intention to violate the Election Law, and she accepts responsibility for not having taken appropriate steps to ensure that her campaign's finances were conducted in scrupulous compliance with the relevant law and ethical rules. Accordingly, we conclude that the sanction of censure is appropriate. In doing so, we emphasize that every candidate for judicial office has an obligation to abide by the letter and spirit of these mandates in order to preserve the public's confidence in the integrity of its judiciary.

By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

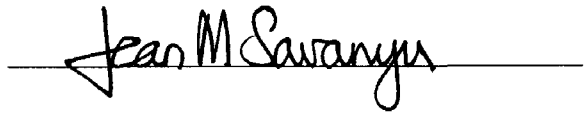
Judge Klonick, Judge Ruderman, Judge Acosta, Mr. Belluck, Mr. Emery, Mr. Harding, Ms. Moore, Judge Peters and Mr. Stoloff concur.

Mr. Cohen did not participate.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: October 1, 2012



Jean M. Savanyu, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct